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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

Rapporteur: Ms. Nicola **Hill** (New Zealand)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 69 (b) at its 22nd to 33rd and 36th meetings, from 21 to 23 and from 26 to 28 October and on 2 November 2009, and considered proposals and took action on sub-item 69 (c) at its 40th, 44th and 45th meetings, on 10, 19 and 20 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/64/SR.22-33, 36, 40, 44 and 45).

3. For the documents before the Committee under this sub-item, see A/64/439.

4. At the 22nd meeting, on 21 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Chile, Colombia, the Sudan, China, Sweden (on behalf of the European Union), Liechtenstein, Morocco, New Zealand, Egypt, Malaysia, Maldives, Mexico, the United States of America, United Kingdom of Great Britain and Northern Ireland, the Syrian Arab Republic, Pakistan, Iran (Islamic Republic of), Cuba, Benin, Australia and India, as well as by the observer for Palestine (see A/C.3/64/SR.22).

* The report of the Committee on this item is being issued in five parts, under the symbol A/64/439 and Add.1-4.

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5. At the same meeting, the Special Adviser to the Secretary-General made a statement and engaged in a dialogue with the representatives of Myanmar, Japan, New Zealand, Sweden (on behalf of the European Union), Chile, the United States and Australia (see A/C.3/64/SR.22).

6. At the 24th meeting, on 22 October, the Special Rapporteur on the situation of human rights in Myanmar made a presentation and engaged in a dialogue with the representatives of Myanmar, Sweden (on behalf of the European Union), Switzerland, Australia, the Czech Republic, Maldives, the United Kingdom, Japan, the United States, Argentina, Canada and New Zealand (see A/C.3/64/SR.24).

7. At the same meeting, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a presentation and engaged in a dialogue with the representatives of the Democratic People's Republic of Korea, Sweden (on behalf of the European Union), Australia, Japan, the United Kingdom, the United States, the Republic of Korea, Norway and Canada (see A/C.3/64/SR.24).

II. Consideration of proposals

A. Draft resolution A/C.3/64/L.35

8. At the 40th meeting, on 10 November, the representative of Sweden, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Israel, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Saint Lucia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Vanuatu, introduced a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/64/L.35). Subsequently, El Salvador joined in sponsoring the draft resolution.

9. At its 44th meeting, on 19 November, the Committee adopted draft resolution A/C.3/64/L.35 by a recorded vote of 97 to 19, with 65 abstentions (see para. 18, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahrain, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of

Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Russian Federation, Somalia, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bangladesh, Barbados, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Ethiopia, Gambia, Grenada, Guatemala, Guinea, Guyana, Haiti, India, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Mali, Mauritania, Mauritius, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Seychelles, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zambia.

10. Before the vote, statements were made by the representatives of the Bahamas, the Syrian Arab Republic, the Libyan Arab Jamahiriya, Malaysia, Costa Rica, Zimbabwe, Swaziland, Cuba, China, Nepal, Barbados, Venezuela (Bolivarian Republic of), the Sudan and Viet Nam; after the vote, statements were made by the representatives of Colombia, India, Indonesia, Brazil, Bangladesh, Jordan and Singapore (see A/C.3/64/SR.44).

B. Draft resolution A/C.3/64/L.36

11. At the 40th meeting, on 10 November, the representative of Sweden, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/64/L.36).

12. At the 44th meeting, on 19 November, the attention of the Committee was drawn to the programme budget implications of the draft resolution contained in document A/C.3/64/L.62.

13. At the same meeting, the Committee adopted draft resolution A/C.3/64/L.36 by a recorded vote of 92 to 26, with 65 abstentions (see para. 18, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Nicaragua, Oman, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Tuvalu, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Madagascar, Mali, Mauritania, Mozambique, Nepal, Niger, Pakistan, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zambia.

14. Before the vote, statements were made by the representatives of China, the Libyan Arab Jamahiriya, the Russian Federation, the Sudan, the Syrian Arab Republic, Viet Nam, Cuba and Venezuela (Bolivarian Republic of); after the vote, statements were made by the representatives of India, Japan, Indonesia, Brazil, Bangladesh, Thailand and Australia (see A/C.3/64/SR.44).

C. Draft resolution A/C.3/64/L.37

15. At the 40th meeting, on 10 November, the representative of Canada, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, the Netherlands, New Zealand, Norway,

Palau, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/64/L.37).

16. At its 45th meeting, on 20 November, the Committee adopted draft resolution A/C.3/64/L.37 by a recorded vote of 74 to 48, with 59 abstentions (see para. 18, draft resolution III). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, China, Comoros, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Colombia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Gambia, Georgia, Ghana, Grenada, Guatemala, Guyana, Haiti, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Paraguay, Philippines, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Solomon Islands, South Africa, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Zambia.

17. Before the vote, statements were made by the representatives of Cuba, Solomon Islands, the Syrian Arab Republic, the Libyan Arab Jamahiriya and Venezuela (Bolivarian Republic of); after the vote, statements were made by the representatives of Brazil, Algeria, Guatemala, Belarus, Bangladesh, Japan, the Philippines and Iran (Islamic Republic of) (see A/C.3/64/SR.45).

III. Recommendations of the Third Committee

18. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Noting the constructive dialogue with the Committee on the Rights of the Child during the consideration of the Democratic People's Republic of Korea's combined third and fourth periodic reports on the implementation of the Convention on the Rights of the Child as a sign of engagement in international cooperative efforts in the field of human rights, and hoping that the enhanced dialogue will contribute to improving the situation of children in the country,

Taking note of the concluding observations of the treaty-monitoring bodies under the four treaties to which the Democratic People's Republic of Korea is a party, the most recent of which were given by the Committee on the Rights of the Child in January 2009,[4]

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government with the international community to ensure that the programmes benefit the persons in need of assistance,

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[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.
[4] See CRC/C/PRK/CO/4.

Recalling its resolutions 60/173 of 16 December 2005, 61/174 of 19 December 2006, 62/167 of 18 December 2007 and 63/190 of 18 December 2008, Commission on Human Rights resolutions 2003/10 of 16 April 2003,[5] 2004/13 of 15 April 2004[6] and 2005/11 of 14 April 2005,[7] Human Rights Council decision 1/102 of 30 June 2006[8] and Council resolutions 7/15 of 27 March 2008[9] and 10/16 of 26 March 2009,[10] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[11] regretting that he still has not been allowed to visit the country and that he received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 63/190,[12]

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

Welcoming the recent resumption of the reunion of separated families across the border, which is an urgent humanitarian concern of the entire Korean people,

1. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; collective punishments; and the existence of a large number of prison camps and the extensive use of forced labour;

(ii) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from

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[5] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[8] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II and sect. B.

[9] Ibid., *Sixty-first Session, Supplement No. 53* (A/63/53), chap. II.

[10] Ibid., *Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II.

[11] See A/64/224.

[12] A/64/319 and Corr.1.

abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and, in this regard, urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to improving the situation of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(iv) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families, and on the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for persons belonging to particularly exposed groups, inter alia, women, children and the elderly;

(vi) Continuing violations of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination, including in the economic sphere, and gender-based violence;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention, institutions and children in conflict with the law;[4]

(viii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(ix) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[2]

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend

cooperation to him, despite the renewal of the mandate by the Human Rights Council in its resolutions 7/15 and 10/16;

2. *Reiterates its very serious concern* at unresolved questions of international concern relating to abductions in the form of enforced disappearance, which violates the human rights of nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Expresses its very deep concern* at the precarious humanitarian situation in the country, partly as a result of frequent natural disasters, compounded by the misallocation of resources away from the satisfaction of basic needs, and the increasing State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of maternal malnutrition and of infant malnutrition, which, despite some progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action;

4. *Commends* the Special Rapporteur for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the limited access to information;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims, and to ensure that citizens of the Democratic People's Republic of Korea expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are humanely treated and are not subjected to any kind of punishment;

(d) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

(e) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and in the universal periodic review by the Human Rights Council;

(f) To engage in cooperation with the International Labour Organization with a view to significantly improving workers' rights;

(g) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(h) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement food security policies, including through sustainable agriculture;

6. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-fifth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to continue to report his findings and recommendations.

Draft resolution II
Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 63/245 of 24 December 2008, those of the Commission on Human Rights, and the resolutions of the Human Rights Council, the most recent of which are 10/27 of 27 March 2009[3] and 12/20 of 2 October 2009,[4]

Welcoming the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008,[5] and the Security Council statements to the press of 22 May 2009 and 13 August 2009,[6]

Welcoming also the report of the Secretary-General on the situation of human rights in Myanmar,[7] as well as his visit to the country on 3 and 4 July 2009, and the visits of his Special Adviser on Myanmar from 31 January to 3 February and on 26 and 27 June 2009 respectively, while regretting that the Government of Myanmar did not seize the opportunity of those visits to work towards the fulfilment of the good offices mission,

Welcoming further the reports of the Special Rapporteur on the situation of human rights in Myanmar[8] and his oral presentations, and the fact that a date has now been established for a follow-up visit by the Special Rapporteur,

Deeply concerned that the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations bodies concerning the situation of human rights in Myanmar, have not been met, and emphasizing that, without significant progress towards meeting these calls of the international community, the situation of human rights in Myanmar will continue to deteriorate,

Deeply concerned at restrictions to effective and genuine participation of the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including some ethnic groups, in a genuine process of dialogue, national reconciliation and transition to democracy,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[4] A/HRC/RES/12/20.

[5] S/PRST/2007/37 and S/PRST/2008/13; see *Resolutions and Decisions of the Security Council, 1 August 2007-31 July 2008*.

[6] SC/9662 and SC/9731.

[7] A/64/334.

[8] A/64/318 and A/HRC/10/19.

Calling upon the Government of Myanmar to cooperate with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms, and political processes, and to take immediate steps to ensure a free and fair electoral process which is transparent and inclusive, leading to a genuine democratic transition through concrete measures,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Expresses grave concern* at the recent trial, conviction and sentencing of Daw Aung San Suu Kyi, resulting in her return to house arrest, and calls for her immediate and unconditional release;

3. *Urges* the Government of Myanmar to release all prisoners of conscience, currently estimated at more than 2,000, without delay, without conditions and with full restoration of their political rights, while noting the recent release of more than 100 prisoners of conscience, and strongly calls upon the Government of Myanmar to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance, and to desist from further politically motivated arrests;

4. *Reaffirms* the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy, notes with appreciation recent contact between the Government of Myanmar and Daw Aung San Suu Kyi, and calls on the Government of Myanmar to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi and all other concerned parties and ethnic groups, and to permit Daw Aung San Suu Kyi contact with the National League for Democracy and other domestic stakeholders;

5. *Strongly urges* the Government of Myanmar to ensure the necessary steps to be taken towards a free, fair, transparent and inclusive electoral process and calls on the Government to take such steps without delay, including by enacting the required electoral laws and allowing the participation of all voters, all political parties and all other relevant stakeholders in the electoral process;

6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and freedom of expression, including for free and independent media, including through the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship;

7. *Expresses grave concern* at the continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, and strongly calls upon the Government of Myanmar to allow a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for such crimes;

8. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups, while recalling that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of the opposition from the process;

9. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

10. *Expresses concern* about the conditions in prisons and other detention facilities, and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive food and medicine;

11. *Expresses its deep concern* about the resumption of armed conflict in some areas, and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to respect existing ceasefire agreements;

12. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups, the targeting of civilians by military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

13. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

14. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

15. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

16. *Welcomes* the dialogue between the Government of Myanmar and the Committee on the Elimination of Discrimination against Women on the occasion of the consideration of the Government's report in November 2008, as a sign of engagement in international cooperative efforts in the field of human rights, and encourages the Government to work to fulfil the recommendations of the Committee;

17. *Calls upon* the Government of Myanmar to consider acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies;

18. *Calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

19. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, including by granting access to areas where children are recruited, for the purpose of implementing an action plan to halt this practice;

20. *Notes with appreciation* that some further steps have been taken with regard to the supplementary understanding between the International Labour Organization and the Government of Myanmar to eliminate the use of forced labour, but expresses grave concern at the continuing practice of forced labour, and urges the Government to continue to work with the International Labour Organization on the basis of the understanding, including through awareness-raising activities, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing the recommendations of the Commission of Inquiry of the International Labour Organization;

21. *Notes* the continued cooperation of the Government of Myanmar with the international community, including the United Nations, in delivering humanitarian assistance to the people affected by Cyclone Nargis, and in the light of ongoing humanitarian need encourages the Government of Myanmar to ensure that cooperation is maintained, and the continuation of the Tripartite Core Group mechanism;

22. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those actors to ensure that humanitarian assistance is delivered to all persons in need throughout the country, including displaced persons;

23. *Also calls upon* the Government of Myanmar to resume its humanitarian dialogue with the International Committee of the Red Cross and allow it to carry out its activities according to its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

24. *Welcomes* the progress reported on the work conducted by the Government of Myanmar and international humanitarian entities on HIV/AIDS;

25. *Reaffirms* its full support for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar, and urges the Government of Myanmar to cooperate fully with the good offices mission in the fulfilment of its responsibilities as mandated by the General Assembly, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant parties, including the highest level of leadership within the regime, human rights defenders, representatives of ethnic minorities, student leaders and other opposition groups, and to respond substantively and without delay to the five-point plan of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

26. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good

offices mission of the Secretary-General, and in relief efforts following Cyclone Nargis, and encourages the continuation and intensification of efforts in this regard;

27. *Welcomes also* the continued contribution of the Group of Friends of the Secretary-General on Myanmar to facilitate the work of the good offices mission;

28. *Welcomes further* the favourable response to granting the Special Rapporteur's requests to visit the country, and urges the Government to cooperate fully with him in the exercise of his work as mandated by the Human Rights Council, and to implement the four core human rights elements recommended by the Special Rapporteur;

29. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

30. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, including democracy and human rights groups and all relevant parties, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

(c) To report to the General Assembly at its sixty-fifth session as well as to the Human Rights Council on the progress made in the implementation of the present resolution;

31. *Decides* to continue the consideration of the question at its sixty-fifth session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

Draft resolution III
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 63/191 of 18 December 2008,

1. *Takes note* of the report of the Secretary-General submitted pursuant to its resolution 63/191,[3] which highlights many areas of continuing concern with respect to the promotion and protection of human rights in the Islamic Republic of Iran and notes with particular concern negative developments in the area of civil and political rights since June 2008, and which discusses some positive achievements with respect to economic and social indicators;

2. *Expresses its deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence and increase in the rate of executions carried out in the absence of internationally recognized safeguards, including public executions and executions of juveniles;

(c) Stoning as a method of execution and persons in prison who continue to face sentences of execution by stoning, notwithstanding a circular from the head of the judiciary prohibiting stoning;

(d) Arrests, violent repression and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women's human rights defenders, and continuing discrimination against women and girls in law and in practice;

(e) Increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, including, inter alia, Arabs, Azeris, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims and their defenders, and, in particular, attacks on Baha'is and their faith in State-sponsored media, increasing evidence of efforts by the State to identify, monitor and arbitrarily detain Baha'is, preventing members of the Baha'i faith from attending university and from sustaining themselves economically, and the continuing detention of seven Baha'i leaders who were arrested in March and May 2008 and faced with serious charges without adequate or timely access to legal representation;

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/64/357.

(f) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, Internet users and trade unions, and increasing harassment, intimidation and persecution of political opponents and human rights defenders from all sectors of Iranian society, including arrests and violent repression of labour leaders, labour members peacefully assembling and students, noting in particular the forced closure of the Defenders of Human Rights Centre and the subsequent arrest and harassment of a number of its staff;

(g) Severe limitations and restrictions on freedom of religion and belief, including arbitrary arrest, indefinite detention and lengthy jail sentences for those exercising their right to freedom of religion or belief;

(h) Persistent failure to uphold due process of law rights, and violation of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, and lack of timely access to legal representation;

3. *Also expresses particular concern* at the response of the Government of the Islamic Republic of Iran following the presidential election of 12 June 2009 and the concurrent rise in human rights violations including, inter alia:

(a) Harassment, intimidation and persecution, including by arbitrary arrest, detention or disappearance, of opposition members, journalists and other media representatives, bloggers, lawyers, clerics, human rights defenders, academics, students and others exercising their rights to peaceful assembly and association and freedom of opinion and expression, resulting in numerous deaths and injuries;

(b) Use of violence and intimidation by Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of association, also resulting in numerous deaths and injuries;

(c) Interfering in the right to a fair trial by, inter alia, holding mass trials and denying defendants access to adequate legal representation, resulting in death sentences and lengthy jail sentences for some individuals;

(d) Reported use of forced confessions and abuse of prisoners including, inter alia, rape and torture;

(e) Escalation in the rate of executions in the months following the election;

(f) Further restrictions on freedom of expression, including severe restrictions on media coverage of public demonstrations and the disruption of telecommunications and Internet technology and the forcible closure of the offices of several organizations involved in the investigation of the situation of persons imprisoned following the election;

(g) Arbitrary arrest and detention of employees of foreign embassies in Tehran, thereby unduly interfering with the performance of the functions of those missions in a manner inconsistent with the Vienna Convention on Diplomatic Relations[4] and the Vienna Convention on Consular Relations;[5]

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[4] United Nations, *Treaty Series*, vol. 500, No. 7310.

[5] Ibid., vol. 596, No. 8638.

4. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child[6] and article 6 of the International Covenant on Civil and Political Rights,[2] executions of persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning as a method of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that access of minorities to education and employment is on par with that of all Iranians;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[7] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community, and also to accord the seven Baha'i leaders held since 2008 the due process of law rights they are constitutionally guaranteed, including the right to adequate legal representation and the right to a fair trial;

(h) To end the harassment, intimidation and persecution of political opponents and human rights defenders, students, academics, journalists, other media representatives, bloggers, clerics and lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views, including those detained following the presidential election of 12 June 2009;

(i) To uphold due process of law rights, to end impunity for human rights violations, and to launch a credible, impartial and independent investigation into the allegations of post-presidential election human rights violations;

5. *Further calls upon* the Government of the Islamic Republic of Iran to redress its inadequate record of cooperation with international human rights mechanisms by, inter alia, reporting pursuant to its obligations to the treaty bodies of the instruments to which it is a party and cooperating fully with all international human rights mechanisms, and encourages the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

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[6] Ibid., vol. 1577, No. 27531.

[7] See E/CN.4/1996/95/Add.2.

6. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in four years and has not answered numerous communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations, particularly those arising since 12 June 2009, can be conducted;

7. *Invites* the thematic special procedures mandate holders to pay particular attention to the human rights situation in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, with a view to investigating and reporting on the various human rights violations that have arisen since 12 June 2009;

8. *Requests* the Secretary-General to report to it at its sixty-fifth session on the progress made in the implementation of the present resolution;

9. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

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Promotion and protection of human rights: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Report of the Third Committee*

Rapporteur: Ms. Nicola **Hill** (New Zealand)

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item at its 21st and 47th meetings, on 20 October and 24 November 2009. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/64/SR.21 and 47).

3. For the documents before the Committee under this sub-item, see A/64/439.

4. No proposals were submitted under this sub-item.

* The report of the Committee on this item is being issued in five parts, under the symbol A/64/439 and Add.1-4.

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